

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Jarkko Viinikanoja	Atty. Docket No.: 006916.00010
Serial No.: 09/987,849	Group Art Unit: 2622
Filed: November 16, 2001	Examiner: Lin Ye
For: Mobile Terminal Device Having Camera System	Confirmation No.: 7575

PRE-APPEAL BRIEF REQUEST FOR REVIEW

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-14501

Sir:

Applicants respectfully request review of the final rejections in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

Remarks

Having received and reviewed the Final Office Action dated May 30, 2006, Applicants respectfully submit that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The specific errors relied upon in this Pre-Appeal Brief Request for Review include the following:

- The pending 35 U.S.C. §102 and §103 rejections fail to address all the claim limitations, and
- The combination of references asserted in the pending 35 U.S.C. §103 rejection fail to disclose the subject matter of the rejected claims.

A. The Examiner Has Not Addressed All Claim Limitations

Claims 106, 108-113, 116-131 and 133-143 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,491,507 to Umezawa et al., (“Umezawa”). Umezawa is directed to a mobile terminal configured to have a detachable camera having a separate housing that may be slidably and rotatably mounted on the side of a mobile terminal. As explained in more detail below, any reference to the sliding and rotation of the camera is in the context of placement of the entire camera for use and not for altering the optical properties through a means adapted to cooperate with the lens module. In contrast, according to claimed aspects of the rejected claims:

[T]he camera system is built in the mobile terminal device. The mobile terminal device and the camera system comprising the lens module are enclosed by the same housing. The mechanism for changing optical properties of the camera system may be integrated in the housing of the mobile terminal of the device comprising the camera system.

(Sub. Spec., p. 11, para. 35, emphasis added; see also p. 29, para. 99). Figures 4a, 4b, 5a, and 5b illustrate several embodiments, for example, as recited in representative claim 106:

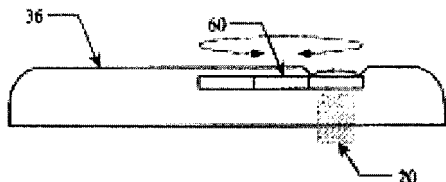
A mobile terminal device comprising:

a camera system comprising a lens module, which enables taking pictures with optical imaging properties given by the lens module;

a part of a housing of the mobile terminal device, wherein the part of the housing is detachable from the mobile terminal device; and

means for changing optical properties of the lens module, the means being adapted to cooperate with the lens module of the camera system to enable taking pictures with changed optical imaging properties, wherein the part of the housing comprises the means for changing optical properties.

For example, housing of the mobile terminal “may be a part of the cover of a mobile phone, e.g., the back cover or the front cover. The position of the camera unit comprising a lens module is indicated by element 20”. (Sub. Spec., p. 41, para. 144). As seen in Figs 4a-b and 5a-b, the camera system is built into the mobile terminal housing.



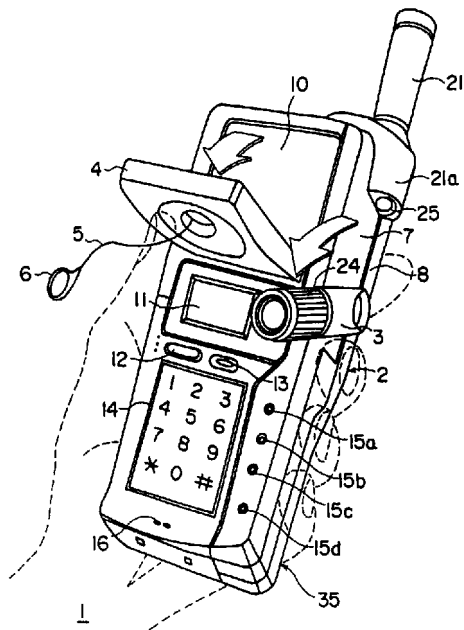
Furthermore, the same figures readily show the limitation “means for changing optical properties of the lens module, the means being adapted to cooperate with the lens module of the camera system to enable taking pictures with changed optical imaging properties, wherein the part of the housing comprises the means for

changing optical properties.”

First, as readily understood, “the housing” of the limitation refers to the only housing recited in the claim – the mobile terminal housing. Specifically, Figure 5, which is pasted above, shows a cover of a mobile terminal with an integrated revolving arrangement of several lenses within the cover of the housing of the mobile terminal. (See Sub. Spec., p. 40, para. 146).

1. No teaching of altering the optical properties of a lens module through a means that is part of the mobile terminal housing

As set forth in Umezawa, one side of the camera is coupled to a pivot 32 mounted on the right side surface of the body 2 with respect to the display panel 11, which extends substantially perpendicular to the side surface (See, Col. 7, lines 40 – 45). As seen in Figs. 6 and 7 of Umezawa, a lens portion is provided at the end of the camera 3, which is slidable in the longitudinal direction of the camera relative to the body.



An indent 25 receives an end of the lens portion 24 formed at the lower end of the fixture 21A of the antenna. When the lens portion is pulled up and brought into engagement with the indent 25, as shown in Fig. 6, the camera 3 is fixed for storage protecting the lens from dust and water as described in Col. 7, lines 60 – Col. 8, line 5. A user may then rotate the camera having to an angle of view he/she desired as shown in Fig. 7.

The Examiner is interpreting the separate housing of the camera with the housing of the terminal device. In rejecting claims 106, 108-113, 116-131 and 133-143, the Office Action asserts “the part of housing (camera 3) comprises the means for changing optical properties.”

(Office Action dated December 19, 2005; p. 4; See Final Office Action dated May 30, 2006, p. 5).

In contrast, the rejected claims recite that the means is part of the mobile terminal (not a separate camera), that is cooperatively adapted with the lens module. In regards to the Examiner’s further assertion on page 2 of the Final Office Action that Figure 1, element 3 could meet this limitation, the Applicants note that element 3 of Figure 1 is no different than element 3 of Figures 6

and 7 asserted by the Examiner. In fact, in specific reference to Figure 1, Umezawa explicitly states the camera (and its illustrated housing) is mounted on the outer surface of the telephone's body.

The handy type video telephone equipment generally indicated by numeral 1 is mainly constructed of the body 2 thereof which is thin and flat and which is in a vertically long shape, a camera 3 which is turnably mounted on the right side surface of the body 2.

(Col. 5, lines 31-36, emphasis added; See also “[t]he video equipment should preferably further comprise camera holding means for holding the camera adjacent to the second casing.” Summary of the Invention, Col. 3, ll. 35-37). Therefore, the Applicants respectfully submit that for at least the reasons set forth above, Umezawa cannot be interpreted as teaching the altering the optical properties of a lens module through a means that is part of the mobile terminal housing.

2. No teaching of a means that is part of the mobile terminal housing being adapted to cooperate with the lens module.

Independent claims 106, 113, 120, 125, 131 set forth that the lens module provides the imaging properties of the camera which enable pictures to be taken (i.e., exemplary claim 106 provides “a camera system comprising a lens module, which enables taking pictures with optical imaging properties given by the lens module”). Also, as described in the specification of the instant application, “[t]he lens module operates as a standard imaging optics of the camera system. (Sub. Spec., p. 17, Para. 60; emphasis added). Umezawa does not teach, disclose, or otherwise suggest any portion of the mobile terminal cooperating directly with the imaging optics.

As set forth in the specification of the instant application, a portion of the mobile terminal may comprise additional lenses, wherein “[l]enses set in front of a lens module of a camera system enable to change of [sic] optical properties of the lens module, like focus length, field of view, magnification or minimal imaging distance.” (Sub. Spec., p. 19, para. 64). As seen in Figure 5, pasted above, the optical properties may be adjusted through the use of the use of several lenses, filters, and other means that are built into or otherwise part of the mobile terminal housing that cooperates with the lens module to altering the optical properties the lens module is capable of.

For at least these reasons, the Applicants submit that Umezawa does not teach, disclose, or otherwise suggest the subject matter of the rejected claims. These limitations are not taught, disclosed, or otherwise suggested by the remaining art of record, therefore, the Applicants respectfully request reversal of the rejection.

B. Combining the References Does Not Produce the Claimed Subject Matter

The Office Action acknowledges that Umezema does not show the means for changing the optical properties being “detachably connected with said camera system.” (Office Action dated May 30, 2006; page 11). It appears, however, the Examiner again confuses the “housing” of the mobile terminal with the “housing” of the camera. The claims recite that the housing of the mobile terminal is detachably connected with the camera system. In contrast, Suda is not directed to cameras within a mobile terminal, and does not teach, disclose, or otherwise suggest a portion of a terminal housing that is detachably connected with a camera system. In fact, nowhere does Suda even recite the terms “mobile terminal”, “cellular”, or even “phone”. Indeed, as explained in the Specification of the instant invention, the low weight, small size, and budgetary restrictions prohibited the application of many advanced optical systems of conventional stand-alone cameras. (See, e.g., Paragraphs 5 – 6). Moreover, as discussed above, Umezawa does not meet the limitations of the base claims from which claims 107, 114-115 and 132 depend. Therefore, in view of the foregoing, the Applicants respectfully request reversal of the 35 U.S.C §103 rejection.

While Applicants believe the above points represent the clearest errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office’s consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (312) 463-5434.

Respectfully submitted,
BANNER & WITCOFF, LTD.

Dated this 23rd day of August, 2006

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